

FILED

JAN 19 2012

PATRICK E. DUFFY, CLERK
By **DEPUTY CLERK MISSOULA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 11-23-BU-DWM

**FINDINGS & RECOMMENDATION
CONCERNING PLEA**

MARTY ALLEN MOORE,

Defendant.

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 (Count I) and one count of mail fraud in violation of 18 U.S.C. § 1341 (Count IV) as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II, III, V, and VI of the Superseding Indictment.

After examining the Defendant under oath, I have made the following determinations:

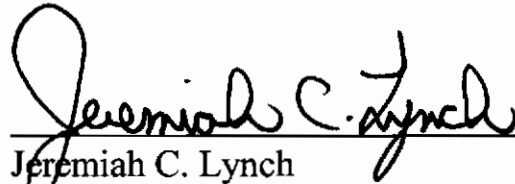
1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I and IV of the Superseding Indictment, and that sentence be imposed. I further recommend that Counts II, III, V, and VI of the Superseding Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer

a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 19th day of January, 2012.



Jeremiah C. Lynch
United States Magistrate Judge